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10 Attorneys for Defendants
11 DEPUY, INC. and DEPUY SPINE, INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION

15 SPOTLIGHT SURGICAL, INC.,

16 Plaintiff,

17 vs.

18 DEPUY, INC. AND DEPUY SPINE, INC.,

19 Defendants.

Case No. CV 07-03362 JF RS

**STIPULATION TO EXTEND THE DATE
FOR DEFENDANTS DEPUY, INC.'S AND
DEPUY SPINE, INC.'S RESPONSE TO
COMPLAINT**

20 Plaintiff Spotlight Surgical, Inc. and Defendants DePuy, Inc. and DePuy Spine, Inc. are
21 actively negotiating a settlement. Accordingly, the parties previously stipulated that Defendants
22 had an extension of time up to and including June 27, 2008 to answer or otherwise respond to
23 Plaintiff's Complaint for Injunctive Relief and Damages for (1) Federal Unfair Competition (15
24 U.S.C. § 1125(a)); (2) California Unfair Competition (B&P Code § 17200); (3) Common Law
25 Unfair Competition.

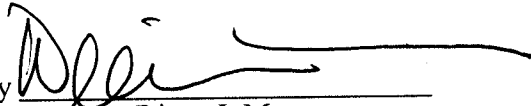
26 The parties have exchanged drafts of a settlement agreement, however, a new issue has
27 recently been raised that the parties are considering. The parties are still hopeful that they will be
28 able to finalize their settlement and dismiss this matter shortly. Thus, the parties, by and through
their undersigned attorneys, hereby stipulate and agree that Defendant shall have an additional

1 extension of thirty-one days (31) days to answer or otherwise respond to Plaintiff's Complaint, up
2 to and including July 28, 2008.

3 This will be the eleventh extension of time entered in this case. This stipulation is not
4 entered into for any purposes of delay. Rather, the parties have a good faith belief that they will
5 shortly settle this matter and, under such circumstances, do not wish to unnecessarily expend
6 either the Court's or their time and resources on further litigation.

7 Dated: June 26, 2008

MORGAN, LEWIS & BOCKIUS LLP

8
9 By 
Diane J. Mason

10 Attorneys for Defendant DEPUY, INC. and
11 DEPUY SPINE, INC.

12 Dated: June 26, 2008

HELLER EHRMAN LLP

13
14 By 
15 Harold J. Milstein

16 Attorneys For Plaintiff SPOTLIGHT
17 SURGICAL, INC.

18
19 PURSUANT TO STIPULATION, IT IS SO ORDERED

20
21 Dated: _____

The Honorable Jeremy Fogel
United States District Judge